

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Washino et al.

Serial No.: 09/900,784

Group No.: 2622

Filed: July 6, 2001

Examiner: Michael Lee

For: DUAL COMPRESSION FORMAT DIGITAL VIDEO PRODUCTION SYSTEM

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Barry H. Schwab, a U.S. citizen, being duly sworn, do hereby depose and state as follows:

1. I reside at 5298 Cedarhurst, West Bloomfield, Michigan.
2. I am a joint inventor of the subject matter claimed in U.S. Patent No. RE37,342 (reissued from Patent No. 5,488,433), for which the subject application is a continuation of.
3. Kinya Washino, a Japanese citizen, residing at 100 Industrial Avenue, Little Ferry, New Jersey, is a joint inventor of the subject matter claimed in this application.
4. I believe that we are the original and first inventors of the subject matter which is described and claimed in U.S. Patent No. 5,488,433, reissued as RE37,342 entitled "Dual Compression Format Digital Video Production System."
5. I also believe that our issued patent is at least partly inoperative or invalid in that we claim less than we had the right to claim, both in the original patent and the reissue thereof.
6. In particular, claims 51-63 relate to a video storage system which receives inputs of video source material containing program elements and supplemental information including correlated edit-time-code information and computer-readable scripting casting or staging information, and the system further includes computer-readable media for simultaneously store the video program source material at two different compressor ratios. While the patent discloses a processor for compressing the source material, that processor was not included as a limitation in these claims.
7. Further, claims 65-77 relate to a video recording method comprising the steps of

receiving audio and video material containing program elements; receiving supplemental program information relating to the source material, the supplemental information including correlated edit-time-code information and computer-readable scripting, casting or staging information; simultaneously recording the source material in digitally compressed form at two different compression ratios; and recording the supplemental information in digital form. While the patent discloses a programmable computer for receiving the source material and the supplemental program information and processing the source and supplemental information using a digital compressor to generate two versions of the material at different compression ratios, claims 65-77 failed to include the computer and its noted functions in the claims. Additionally, the patent discloses the steps of creating an Edit Decision List using the source material and supplemental program information, but that was erroneously omitted from these claims.

8. This claiming of less than we had the right to claim occurred through error which we discovered and promptly acted upon.

9. Every error in the patent which was corrected in the present continuation reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant and the inventors.

10. I have reviewed and understand the contents of the specification, including the claims, in accordance with this continuation application.

11. I also acknowledge my duty to disclose information which is material to patentability as defined in 37 CFR 1.56, and have not identified any further references apart from those submitted or cited during the prosecution of our issued patent.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

13. I hereby appoint all of the attorneys of Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C. as my legal representatives in this matter. All communications should be directed to Allen M. Krass, Esq. at the following address:

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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, PC
PO Box 7021
Troy, MI 48007-7021
Telephone (248) 647-6000

WHEREFORE, I hereby subscribe my name to the foregoing specification and claims,
Declaration and Power of Attorney.

Date: 1/7/10

Berry H. Schwab
Berry H. Schwab